

# TOXICS

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\*\*The below regulatory summaries were referenced from the U.S. Northern Review publications and [Fedcenter.gov](http://Fedcenter.gov).

## FEDERAL

### FINAL:

**MINAMATA MERCURY CONVENTION TAKES EFFECT.** A global commitment to reduce health risks and environmental damage from mercury pollution came into effect on 16 AUG 17, when the Minamata Convention on Mercury entered into force. The 74 countries which have become parties to the convention so far, out of 128 that have signed, are now legally bound to take measures toward eliminating new sources of mercury; reducing its use, trade, and emissions; and regulating disposal of the element. On 6 NOV 13 the U.S. signed the Minamata Convention on Mercury and is a party to the convention. Additional information can be found [here](#).

**TSCA INVENTORY NOTIFICATION REQUIREMENTS.** EPA issued a final rule to establish a retrospective electronic notification of chemical substances on the Toxic Substances Control Act (TSCA) Inventory ([82 FR 37520](#)). This notification covers chemicals that were manufactured (including imported) for nonexempt commercial purposes during the 10-year period ending on 21 JUN 16, with provision to also allow notification by processors. The final rule establishes procedures regarding the manner in which such retrospective and forward-looking activity notifications must be submitted, the details of the notification requirements, exemptions from such requirements, and procedures for handling claims of confidentiality. The final rule became effective on 11 AUG 17.

**ADOPTION OF 2017 NAICS CODES FOR TOXICS RELEASE INVENTORY REPORTING.** EPA issued a direct final rule updating the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the OMB 2017 NAICS code revision ([82 FR 39038](#)). Facilities will be required to use 2017 NAICS codes beginning with TRI reporting forms that are due on 1 JUL 18, covering releases and other waste management quantities for the 2017 calendar year. EPA has also modified the list of exceptions and limitations associated with NAICS codes in the Code of Federal Regulations for TRI reporting purposes by deleting the descriptive text. Barring adverse comment the direct final rule becomes effective on 15 NOV 17.

**NANOTECHNOLOGY REPORTING RULE GUIDANCE.** EPA issued [guidance materials](#) for the recently-issued TSCA section 8(a) [Nanotechnology Reporting and Recordkeeping Requirements Rule](#), which became effective in August 2017. The rule establishes one-time reporting and recordkeeping requirements for certain chemical substances when they are manufactured or processed at the nanoscale. A copy of the Working Guidance on EPA's Section 8(a) Information Gathering Rule on Nanomaterials in Commerce is available [here](#).

**PROCEDURES FOR PRIORITIZATION OF CHEMICALS FOR RISK EVALUATION.** EPA issued a final rule that establishes the process and criteria that it will use to identify chemical substances as either High-Priority Substances for risk evaluation, or Low-Priority Substances for which risk evaluations are not warranted ([82 FR 33753](#)). The final rule describes the processes for formally initiating the prioritization process on a selected candidate, providing opportunities for public comment, screening the candidate against certain criteria, and proposing and finalizing designations of priority. Prioritization is the initial step in a new process of existing chemical substance review and risk management activity established under the Toxic Substances Control Act (TSCA). The final rule became effective 18 SEP 17.

**PROCEDURES FOR CHEMICAL RISK EVALUATION.** EPA has issued a final rule that establishes a process for conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment ([82 FR 33726](#)). The rule identifies the steps of the risk evaluation process including scope, hazard assessment, exposure assessment, risk characterization, and finally a risk determination. This

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process will be used for the first 10 chemical substances undergoing evaluation from the 2014 update of the TSCA Work Plan for Chemical Assessments. The final rule became effective 18 SEP 17.

**WITHDRAWAL OF DIRECT FINAL RULE: FORMALDEHYDE EMISSIONS FROM COMPOSITE WOOD PRODUCTS.** Due to adverse comment, EPA has withdrawn its [May 2017 direct final rule](#) extending the compliance dates and California Air Resources Board third party certifier transitional period for the 2016 TSCA formaldehyde emission standards for composite wood products final rule ([82 FR 31267](#)). EPA will proceed with the rulemaking after considering all comments. The withdrawal became effective on 6 JUL 17.

### OTHER:

**HALOACETIC ACIDS RECOMMENDED FOR CLASSIFICATION AS CARCINOGENS.** The National Toxicology Program [recommended](#) that six haloacetic acids (HAAs) be classified in the [Report on Carcinogens](#) as reasonably anticipated to be carcinogens. HAAs are byproducts created when chlorine, chloramine, or chlorine dioxide are used to disinfect drinking water. The report will help EPA assess the effects of those byproducts on human health and determine whether drinking water regulations should be updated. Currently, the EPA Office of Water regulates the levels of five HAAs and some trihalomethanes in public drinking water.

**SCOPE DOCUMENTS FOR RISK EVALUATIONS.** EPA announced the availability of the scope documents for the risk evaluations to be conducted for the first 10 chemical substances reviewed under TSCA ([82 FR 31592](#)). Each scope includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the EPA expects to consider in conducting the risk evaluation. The 10 chemicals subject to review are asbestos, 1-bromopropane, 1,4-dioxane, carbon tetrachloride, cyclic aliphatic bromide cluster (HBCD), methylene chloride, n-methylpyrrolidone (NMP), pigment violet 26, tetrachloroethylene (also known as perchloroethylene), and trichloroethylene.

**GUIDANCE FOR DEVELOPING AND SUBMITTING DRAFT RISK EVALUATIONS.** EPA issued *Guidance to Assist Interested Persons in Developing and Submitting Draft Risk Evaluations Under the Toxic Substances Control Act* ([82 FR 33765](#)). The guidance will assist interested persons or parties in developing and submitting draft risk evaluations to be considered by EPA under TSCA.

**TOXIC RELEASE INVENTORY.** In July, EPA released the [2016 Toxic Release Inventory \(TRI\) Preliminary Dataset](#). The dataset contains the most current TRI data available on toxic chemical releases, other waste management, and pollution prevention activities that occurred at industrial facilities during the 2016 calendar year. According to EPA, the July preliminary dataset includes reporting forms processed as of 1 JUL 17 and is estimated to be 97 percent complete.

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### STATE

#### **FINAL:**

**NEW ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS REGULATIONS** MDE has proposed new Regulations .01 - .08 under a new chapter, COMAR 26.11.39, Architectural and Industrial Maintenance (AIM) Coatings. The regulations establish volatile organic compound (VOC) content limits and standards for a variety of AIM coatings made available for sale and use in Maryland. The regulations apply to any person that manufacturers, blends, thins, supplies, sells, offers for sale, repackages for sale, or applies AIM coatings in Maryland. Once final, the regulations will be submitted as a SIP revision to USEPA for review and approval.

#### **PROPOSED:**

**AMENDMENTS TO LEAD POISONING SCREENING PROGRAM REGULATIONS** The Maryland Department of Health and Mental Hygiene has proposed amendments to Regulations .02, and .04 - .06 under COMAR 10.11.04, Lead Poisoning Screening Program. The amendments will improve lead testing rates in Maryland and align regulations with new Centers for Disease Control and Prevention (CDC) guidelines. The amendments: (1) expand the definition of at-risk areas to include the entire state; (2) update lead poisoning blood testing requirements; (3) allow the submission of alternative blood lead analysis documentation for children under certain circumstances; and (4) change certain documentation reporting requirements. The comment period closed on 8 FEB 2016.

### FEDERAL

#### **FINAL:**

**SIGNIFICANT NEW USE RULES.** USEPA issued a direct final rule adopting significant new use rules under the Toxic Substances Control Act (TSCA) for 57 chemical substances that were the subject of pre-manufacture notices ([81 FR 81250](#)). The final rule became effective on 17 JAN 17.

**FOURTEENTH REPORT ON CARCINOGENS.** The National Institutes of Health released the 14th Report on Carcinogens, a congressionally mandated document that identifies and discusses agents, substances, mixtures, or exposure that may pose a hazard to human health because of their carcinogenicity ([81 FR 76621](#)).

**ELECTRONIC SUBMISSIONS TO THE NRC.** The U.S. Nuclear Regulatory Commission (NRC) released an updated guidance document providing direction for the electronic transmission and submittal of documents ([81 FR 76634](#)).

**ADDITION OF HEXABROMOCYCLODODECANE CATEGORY.** USEPA issued a final rule adding a hexabromocyclododecane (HBCD) category to the TRI list of reportable chemicals ([81 FR 85440](#)). The final rule became effective on 30 NOV 16.

**FDA BANS ANTIBACTERIAL SOAPS.** The U.S. Food and Drug Administration (FDA) issued a final rule [banning](#) over-the-counter antibacterial soaps intended for use with water ([81 FR 61106](#)). The rule does not affect consumer hand sanitizers or wipes, or antibacterial products used in health care settings. The final rule became effective on 6 SEP 17.

**IRIS ASSESSMENT OF AMMONIA.** USEPA [released](#) the final IRIS assessment of ammonia. It updates the toxicological information on ammonia that was originally developed in 1991. An executive summary of the report is available [here](#). The full report is available [here](#).

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**TSCA REFORM BILL SIGNED** President Obama signed a bill modernizing TSCA. The bill, HR 2579, the Frank R. Lautenberg Chemical Safety for the 21st Century Act, addresses four areas: (1) risk-based screening to prioritize chemicals for review; (2) safety assessment; (3) federal preemption; and (4) sustainable chemistry.

**1-BROMOPROPANE ADDED TO TOXIC CHEMICALS SUBJECT TO EPCRA** USEPA issued a final rule that adds 1-bromopropane to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (80 FR 72906). The final rule became effective on November 30, 2015. It applies for the reporting year beginning January 1, 2016 (reports due July 1, 2017).

**FINAL RISK ASSESSMENT FOR NMETHYLPYRROLIDONE (NMP)** USEPA released the final risk assessment for NMethylpyrrolidone (NMP) in paint and coating removal products. The final risk assessment indicates health risks to people, particularly pregnant women and women of childbearing age, who have high exposure to NMP through paint or coating removal products. USEPA is considering a range of possible voluntary and regulatory actions to address risks from the use of NMP-containing paint and coating removal products.

**2014 TOXIC RELEASE INVENTORY** USEPA has posted the 2014 Toxic Release Inventory (TRI) Data online.

**LEAD-BASED PAINT: TRAINING REQUIREMENTS** USEPA issued a final rule revising the Lead Renovation, Repair, and Painting (RRP) rule and the Lead-based Paint (LBP) Activities rule (81 FR 7987). The final rule became effective on 17 FEB 2016.

### PROPOSED:

**DRAFT TOXICOLOGICAL PROFILES FOR PUBLIC REVIEW.** The Agency for Toxic Substances and Disease Registry (ATSDR), within the Department of Health and Human Services (HHS), announced the availability of draft toxicological profiles for review and comment (82 FR 27066). Draft toxicological profiles are available for: (1) Antimony; (2) 2,4-Dichlorophenoxyacetic Acid (2,4-D); (3) Molybdenum; and (4) Silica.

**PROPOSED TRICHLOROETHYLENE PROHIBITIONS.** USEPA issued a proposed rule to establish trichloroethylene (TCE) prohibitions under section 6 of the Toxic Substances Control Act (TSCA) (81 FR 91592). TCE is a VOC widely used in industrial and commercial processes and has some limited uses in consumer and commercial products.

**ADDITION OF NONYLPHENOL ETHOXYLATES CATEGORY.** USEPA issued a proposed rule to add nonylphenol ethoxylates (NPEs) category to the Toxic Release Inventory (TRI) list of reportable chemicals (81 FR 80624). NPEs are nonionic surfactants widely used in adhesives, wetting agents, emulsifiers, stabilizers, dispersants, defoamers, cleaners, paints, and coatings.

**IRIS ASSESSMENT OF ETHYL TERTIARY BUTYL ETHER.** USEPA released the draft IRIS assessment of ethyl tertiary butyl ether (ETBE), a fuel additive, for public comment (81 FR 60351). The assessment is available [here](#), under Recent Additions.

**TOXICS SUBSTANCES REFORM: IMPLEMENTATION PLAN** USEPA has released its first-year implementation plan on how it intends to carry out its requirements under the new law, Frank R. Lautenberg Chemical Safety for the 21st Century Act, signed by President Obama in June 2016. The new law amends the Toxic Substance Control Act (TSCA) and mandates USEPA to evaluate existing chemicals with clear and enforceable deadlines. According to the implementation plan, USEPA will continue to address identified risks from trichloroethylene (TCE), methylene chloride, and N-methylpyrrolidone (NMP) by issuing: (1) a proposed rule (RIN 2070-AK18) limiting or prohibiting the use of TCE in spot cleaning and aerosol degreasing by early October 2016 and a final rule by October 2017; (2) a proposed rule limiting or prohibiting the use of TCE in vapor degreasing by early December 2016 and a final rule by

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December 2017; and (3) proposed rules limiting or prohibiting the use of methylene chloride and NMP in paint removers by early December 2016 and final rules by December 2017. For more information, click [here](#).

**TRI REPORTING** USEPA issued a proposed rule to add a hexabromocyclododecane (HBCD) category to the list of toxic chemicals subject to toxic release inventory (TRI) reporting under EPCRA Section 313 ([81 FR 35275](#)). USEPA believes HBCD can reasonably be anticipated to cause developmental and reproductive effects in humans and is highly toxic to aquatic and terrestrial organisms. In addition, based on the available bioaccumulation and persistence data, USEPA believes that HBCD should be classified as a persistent, bioaccumulative, and toxic (PBT) chemical and assigned a 100-pound reporting threshold.

**RISK ASSESSMENT FOR 1-BROMOPROPANE** USEPA released the draft Toxic Substances Control Act (TSCA) work plan chemical risk assessment for 1-bromopropane (1-BP) ([81 FR 12098](#)). Work plan chemical assessments focus on those TSCA uses of the chemical that have significant potential for exposure to humans and/or the environment. 1-BP is used as a solvent in degreasing applications, spray adhesives, and dry cleaning.

**TOXICOLOGICAL REVIEW: RDX** USEPA released the draft Integrated Risk Information System (IRIS) Toxicological Review of Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) ([81 FR 12727](#)). The IRIS program evaluates quantitative and qualitative information on risks to human health that may result from exposure to chemicals. For more information about the IRIS program, click [here](#).

**IRIS PROGRAM GENERAL COMMENTS DOCKET AND MEETING ANNOUNCEMENT** USEPA announced the availability of an IRIS Program General Comments Docket (Docket ID #EPA-HQ-ORD-2014-0211) for public comments that have broad applicability to the IRIS Program ([81 FR 18625](#)). The docket was opened in 2014 and will remain open continuously. USEPA also announced the dates for the 2016 IRIS public science meetings. Meetings will be held on 10 MAY 16, 29-30 JUN 16, 7-8 SEP 16, and 26-27 OCT 16. Click [here](#) to view notices about the availability of draft IRIS assessments for public comment or future IRIS public science meetings.

**TOXICOLOGICAL PROFILE DEVELOPMENT** The Agency for Toxic Substances and Disease Registry (ATSDR) is initiating the development of its 30th set of toxicological profiles, referred to as Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Set 30 ([81 FR 15110](#)).

**USEPA CANCELS PESTICIDES CONTAINING FLUBENDIAMIDE** USEPA issued a [notice of intent](#) to cancel all remaining flubendiamide products manufactured by Bayer CropScience LP and Nichino America, Inc. because the companies failed to comply with a condition of registration and because the products pose risks to aquatic invertebrates that are important to the health of aquatic environments. Provisions on what to do with existing stocks of the pesticide will be issued after the product is cancelled.

**INITIAL ASSESSMENT DOCUMENT FOR 1,4-DIOXANE** USEPA announced the availability of a problem formulation and initial assessment document for 1,4-Dioxane prepared under the Toxic Substances Control Act (TSCA) Work Plan ([80 FR 23545](#)). The document examines likely exposure and hazard scenarios to workers and consumers to identify scenarios where further risk analysis may be necessary. The assessment found no risks to the general population from inhalation exposure and low risks to aquatic life. USEPA plans to conduct additional risk analysis on potential worker and consumer exposures.

**PROPOSED SUBSTANCES FOR 29TH SET OF ATSDR TOXICOLOGICAL PROFILES** The Agency for Toxic Substances and Disease Registry announced the list of proposed substances that will be evaluated for its 29th set of toxicological profiles ([80 FR 17444](#)).

**DRAFT TOXICOLOGICAL PROFILE: GLUTARALDEHYDE** The Agency for Toxic Substances and Disease Registry (ATSDR) released a draft toxicological profile for glutaraldehyde ([81 FR 5756](#)). Glutaraldehyde is used as a cold



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sterilant in the healthcare industry, a biocide in metalworking fluids, and an antimicrobial in water treatment systems.

**DRAFT TOXICOLOGICAL PROFILES: JET FUELS AND 1-BROMOPROPANE** ATSDR released draft toxicological profiles for jet fuel and 1-bromopropane ([81 FR 9198](#)). 1-bromopropane is a solvent used in degreasing, dry cleaning, spray adhesives, and aerosol solvents.

**LEAD PAINT TEST KITS** USEPA issued notice regarding lead test kits and other field testing options as part of its Lead Renovation, Repair and Painting Program to determine the absence of lead-based paint by virtue of a negative result ([80 FR 79335](#)).

**SELECT AGENTS AND TOXINS - BIENNIAL REVIEW OF LISTS** The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) issued a proposed rule to amend and republish the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health or animal or plant products ([81 FR 2762](#)). Separately, the Health and Human Services, Centers for Disease Control and Prevention also proposed to add definitions for inactivation and kill curve, and to delete six agents from the list of agents that pose a threat to public health and safety ([81 FR 2805](#)). Some agents overlap between the two lists.

### OTHER:

**IMPLEMENTATION OF TSCA AMENDMENTS.** The Congressional Research Service (CRS) has issued an [insight report](#) for members of Congress about steps EPA has taken to implement the 2016 [amendments](#) to the Toxic Substances Control Act (TSCA).

**UPDATED VERSION OF IC<sub>2</sub> ALTERNATIVES ASSESSMENT GUIDE.** The Interstate Chemicals Clearinghouse (IC<sub>2</sub>) has released an updated version (v1.1) of the [IC<sub>2</sub> Alternatives Assessment Guide](#), with substantive changes to the Exposure Module that bring the guide into closer agreement with the National Academy of Sciences' Framework to Guide Selection of Chemical Alternatives.

**2017 ANNUAL REPORT ON CHEMICAL RISK EVALUATION.** EPA has published the [2017 Annual Report on Chemical Risk Evaluation](#). The report satisfies requirements of the Frank R. Lautenberg Chemicals Safety for the 21 Century Act, which amended the Toxic Substances Control Act (TSCA). The report identifies the chemical substances that will undergo risk evaluation during that year, including those that will have a risk evaluation initiated and those that will have a risk evaluation completed, including status and schedules. The report also identifies the resources necessary to complete these tasks.

**DESIGNATION OF CHEMICAL SUBSTANCES FOR INITIAL RISK EVALUATIONS UNDER TSCA.** As required by TSCA, USEPA published an initial list of 10 chemical substances that the agency is initiating chemical risk evaluations on ([81 FR 91927](#)). The chemicals are: 1,4-Dioxane; 1-Bromopropane; Asbestos; Carbon Tetrachloride; Cyclic Aliphatic Bromide Cluster (HBCD); Methylene Chloride; N-Methylpyrrolidone (NMP); Pigment Violet 29; TCE; and Tetrachloroethylene (also known as perchloroethylene).

**SCIENCE ADVISORY COMMITTEE ON CHEMICALS.** USEPA has established a new federal Science Advisory Committee on Chemicals (SACC) and is seeking committee member nominations ([81 FR 58925](#)). The purpose of the SACC is to provide independent advice and expert consultation on the scientific and technical aspects of risk assessments, methodologies, and pollution prevention measures or approaches. Members of the SACC will have expertise in scientific and technical fields relevant to chemical risk assessment and pollution prevention. Members will also have diverse background and experiences, including professional experiences in government, labor, public health, public

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interest, animal protection, industry, and other groups. Nominations are due by 11 OCT 16.

**MERCURY EXPORT PROHIBITION.** USEPA has published a list of mercury compounds that are prohibited from export ([81 FR 58926](#)). Effective 1 JAN 20, the export of mercury (I) chloride or calomel; mercury (II) oxide, mercury (II) sulfate, mercury (II) nitrate, and cinnabar (i.e., mercury sulfide) is prohibited, unless the compounds are exported to member countries of the Organization for Economic Cooperation and Development for environmentally sound disposal, on the condition that no exported mercury or mercury compounds are not are recovered, recycled, reclaimed for use, or directly reused.

**TOXIC RELEASE INVENTORY** USEPA has released the [Preliminary 2015 Toxics Release Inventory \(TRI\) dataset](#), which contains the most current data on toxic chemical releases and pollution prevention activities at U.S. industrial facilities. USEPA will update the dataset several times during the summer and early fall based on information from facilities. The TRI program releases the dataset each July to find TRI data for facilities in local communities prior to the publication of the TRI National Analysis report in January.